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*Buford, Lewis & Peterson*, of Lawrenceville, and *J. Boyd Sears*, of Mathews, for plaintiff in error.

*Harper & Goodman*, of Lynchburg, for defendant in error.

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MURGUIONDO *v.* NOWLAN'S EX'R et al.

June 12, 1913.

[78 S. E. 600.]

**Wills (§ 111\*)—Execution—Place of Signing.**—Signing of a will, required by Code 1904, § 2514, to be "in such manner as to make it manifest that the name is intended as a signature," need not necessarily be at the end, and so in case of an attested holographic will the signature of testator affixed in the presence of the witnesses, in the margin of the last page, nearly opposite the end, is sufficient.

[Ed. Note.—For other cases, see Wills, Cent. Dig. §§ 267-275; Dec. Dig. § 111.\* 13 Va.-W. Va. Enc. Dig. 730.]

Error to Chancery Court of Richmond.

Will of Bettie W. Nowlan, offered by Robert E. Macomber, executor, was admitted to probate, and Mary de Murguiondo, one of the contestants, brings error. Affirmed.

*R. R. Hicks*, of Norfolk, and *H. M. Smith*, of Richmond, for plaintiff in error.

*Meredith & Cocke* and *Leake & Buford*, all of Richmond, for defendants in error.

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KINCHELOE et al. *v.* GIBSON'S EX'X.

June 12, 1913.

[78 S. E. 603.]

**1. Appeal and Error (§ 220\*)—Objections in Lower Court—Report of Referee.**—Questions not raised by objections to commissioner's report stating an account in the lower court will not be noticed on appeal.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 1325-1332; Dec. Dig. § 220.\* 1 Va.-W. Va. Enc. Dig. 565; 14 Va.-W. Va. Enc. Dig. 90; 15 Va.-W. Va. Enc. Dig. 64.]

**2. Executors and Administrators (§ 483\*)—Expenditures—Taxes.**—Taxes accruing before the death of a testator, leaving practically all his realty to life tenants with the remainder over, are properly paid by the executrix, and she is entitled to credit therefor.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

[Ed. Note.—For other cases, see Executors and Administrators, Dec. Dig. § 483.\* 5 Va.-W. Va. Enc. Dig. 581.]

**3. Executors and Administrators (§ 483\*)—Credits—Interest on Incumbrances.**—An objection that an executrix should not be credited with interest on incumbrances because a liability of the life tenant will be overruled, where it is shown that the profits of the estates in the hands of the executrix, in an amount equal to or greater than the interest paid, had been applied for the benefit of the estate in paying off incumbrances.

[Ed. Note.—For other cases, see Executors and Administrators, Dec. Dig. § 483.\* 5 Va.-W. Va. Enc. Dig. 576.]

**4. Life Estates (§ 16\*)—Interest on Incumbrances—Liability of Tenant.**—The rule that a tenant for life of property subjected to incumbrances must keep down the interest accruing on such incumbrances during the continuance of his estate does not apply where the obvious purpose of the will was to make a general charge of all testator's debts on his real estate in event his personal estate proved insufficient.

[Ed. Note.—For other cases, see Life Estates, Cent. Dig. § 36; Dec. Dig. § 16.\* 11 Va.-W. Va. Enc. Dig. 844.]

**5. Life Estates (§ 19\*)—Insurance—Duty of Life Tenant.**—Where a will gave practically all of testator's real estate to his sister for life, remainder to other collateral kin and all his personalty and made his debts, a charge on the whole estate, providing the order in which the realty should be sold, the life tenants will not be required to maintain insurance where it is probable that most of the realty will be sold to pay outstanding debts.

[Ed. Note.—For other cases, see Life Estates, Cent. Dig. § 40; Dec. Dig. § 19.\* 5 Va.-W. Va. Enc. Dig. 183.]

Appeal from Circuit Court, Fauquier County.

Suit for construction of will and for accounting by Gibson's executrix against Gibson and others. From the decree rendered J. Gibson Kincheloe and others appeal. Modified and affirmed.

*Keith & Richards*, of Warrenton, for appellants.

*Moore, Barbour, Keith & McCandlish* and *J. Stuart White*, of Warrenton, for appellee.

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\*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.